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To: "NEPA Comments" <ceq_nepa@fs.fed.us>
cc:
Subject: Comments on the National Environmental Policy Act (NEPA) process

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Reference the July 9, 2002 **Federal Register** notice regarding the National Environmental Policy Act (NEPA) process.

There are many issues surrounding NEPA and its implementation that need improvement. Often, actual use and implementation of NEPA fails to meet either the letter or the intent of the law, and instead is used to justify an agenda or pre-determined decision of an agency or an individual. Equal treatment needs to be provided to all people.

What has happened on this NEPA action is a good example of the agencies not providing equal treatment to everyone. According to the comment letter from the 16 environmental organizations which is posted on the NEPA comments site, Horst Greczmiel of CEQ provided a preliminary briefing on this NEPA process for a number of the 16 groups listed in the letter the last week of July. Was this same courtesy offered to any other individuals, organizations, state and local governments? If not, why not?

The information on the preliminary briefing is not even posted on the CEQ web site for access by everyone.

The following items are suggested improvements for the implementation of NEPA.

The NEPA documents including all references must meet the requirements of the Data Quality Act. The person responsible for the preparation of the document should be held accountable for insuring that the document does meet the requirements of the Data Quality Act.

The availability of every NEPA action, whether EA or EIS, must be published in the **Federal Register**, and in the newspapers in the area impacted by the proposed action. The notice of the availability must include a clear description of the proposed action. This should begin with the scoping action, the draft document, notice of meetings, final documents and record of decision. The title of the document within the **Federal Register** should clearly identify the action with type of document (EA or EIS), the type of action such as timber sale or grazing allotment review and the location. All documents pertaining to the proposed action should to be available on the Internet in both html or text as well as printed copies for individuals requesting them.

Referenced material in an EA/EIS should contain peer reviewed scientific, technical or statistical data pertaining to an issue in the EA/EIS. Reference material that is just someone else stating the same position as the EA/EIS without scientific, technical or statistical data does not serve any purpose. Also, the validity of data is suspect when the source is an individual which is a member of an organization that makes a living

from filing lawsuits against the agencies.

All contact information for the agency responsible for the EA/EIS action should be provided in the Federal Register and other documents. This should be no less than a person's names, address, phone number and email address. The present system, at times, only provides the name of a office, address and phone number. They do not identify a individual or provide a email address for a person to contact to obtain information. Here is an example of an August 21, 2002 Federal Register Notice.

The USDA Forest Service will prepare a Supplemental Environmental Impact Statement (SEIS) to the South Spruce Ecosystem Rehabilitation Project EIS (1999) to implement vegetation management treatments in the spruce/fir forests within the Cedar City Ranger District, Dixie National Forest, Utah. For further information and send comments to: **Long Deer Interdisciplinary Team Leader, Cedar City Ranger District, Dixie National Forest, 1789 Wedgewood, Cedar City, Utah 84720. No name and no phone number was provided.**

There should be no less than a 90 day comment period for all NEPA actions. In the very best case, it take 2-3 weeks just to learn about a proposed action, obtain the required documents, etc. Then it does take a lot of time to review the NEPA document and assemble comments. Most of the people that will be impacted the most by and a lot of times of the most knowledge for the NEPA actions are people in business and local governments who have a regular job. These are the people with the most knowledge needed for the NEPA actions. They are not always able to drop everything to immediately review a NEPA document. A 90 day comment period would give people enough time to learn about a proposed action, read and research the action, develop comments and submit them. Agencies' documents, style and comment periods vary greatly, making it even more difficult.

The person responsible for the preparation of the EA/EIS should have to certify that all the information included in the document is accurate and true. Currently, information included in the document is often incorrect, and there is no way for a reader to verify information or get it corrected. There needs to be more accountability, and a way for documents to be certified as accurate. Congress has just passed a law that CEO's of corporations have to certify the accuracy of their data. Why shouldn't government managers have to comply with the same standards.

An email address must be provided, both in the Federal Register notice and the EA or EIS, for a contact person who can answer questions, provide additional information and receive comments.

NEPA action meetings must be scheduled in the immediate area of the proposed action. A lot of times the meetings are held clear across the state or in the next state 300-400 miles from the area impacted by the EA/EIS. All meetings should be public meetings where the agency personnel provide a presentation on the proposed action then take oral comments from the people. These meetings should be recorded and the

information made a part of the action record.

The current system of "Open House Meetings" are a waste of time. Agency personnel at these meetings with the current format will not respond to questions and just listen to what is said but take no action with the information. The agencies need to interact with meeting participants, answer questions, or provide information. The people who will be most impacted by the actions, receive no pay for traveling to and attending the meetings and sometimes have to travel long distances and are then able to accomplish absolutely nothing.

A economic analysis must be prepared by qualified professional economist. The current system of economic analysis where some employee states that the action will eliminate x number of jobs and that equals x dollars. They fail to take into consideration how many vehicles will not be purchased, how many vehicle repairs will not be made, how many meals will not be served at the corner restaurant, etc.

Proper use of the "no action alternative" is another issue that needs to be clarified to the agencies for NEPA documents, including EAs and EISs. No action means no change, or current management, as making a change to the permitted action would be taking an action. Often, in grazing renewal EAs for example, agencies use the no action alternative to mean no grazing, or not renewing the permit. This is not only misleading to the public trying to analyze the document, but it does not meet either the intent or the letter of the law.

The EPA comments prepared pursuant to the Environmental Review Process (ERP that are published in the Federal Register should include the complete EPA report. The information should include the justification EPA uses to make the comments. Also the name of the individual at EPA responsible for the comments should be a part of the published comments. An example of these comments is "EPA expressed environmental concerns about the impacts of sediment production/delivery from the proposed timber harvest and road management on water quality. EPA supports road decommissioning, road BMP improvements and other watershed restoration activities which should reduce sediment production and improve water quality, fisheries habitat, fish passage and connectivity over the long term." Presently Individuals must requests copies of EPA comments from the Office of Federal Activities at (202) 564-7167.

Below are the NEPA questions followed by my answers.

A. 1. Where do you find data and background studies to either prepare NEPA analyses or to provide input or to review and prepare comments on NEPA analyses? The information may include scientific and statistical information in printed or electronic form. Examples include but are not limited to species or wetlands inventories, air quality data, field surveys, predictive models, and trend analyses.

I find and/or receive notification on pending actions from many sources. These include the Federal Register, the agencies web sites, by mail, from news sources, and from

other individuals. The problem is that individuals cannot depend on any one source for all the information. Most of the people who will be most impacted by the proposed actions have to work for a living and do not have the time or capabilities to make regular checks of all the possible sources to see if there is some action being proposed that could put them out of business. The agencies notification processes are neither adequate nor uniform, and it is virtually impossible to find out about all of the pending actions that could have an impact on any certain area.

A. 2. What are the barriers or challenges faced in using information technologies in the NEPA process? What factors should be considered in assessing and validating the quality of the information?

The main problem with using information technologies in the NEPA process is that a large number of people, especially in rural parts of the country, do not have access to or understand these technologies. These are usually the people who will be most impacted by the proposed action. These people need to receive all the information pertaining to the proposed action by mail. If the people are not notified in this way, they will never learn about the proposals until an agency person shows up at their door and tells the people that they are out of business.

Agencies should be required to send notification letters to state agencies, organizations and elected officials in the area being impacted by the proposed action and publish a notice in all area newspapers. Example, a state's Department of Agriculture should be notified on any proposed action that pertains to timber, vegetation or grazing. Also, suggest a web site be developed for each state in suspense date sequence, providing information on all NEPA actions for the state.

A. 3. Do you maintain databases and other sources of environmental information for environmental analyses? Are these information sources standing or project specific? Please describe any protocols or standardization efforts that you feel should be utilized in the development and maintenance of these systems.

No. I do not maintain a database. I try to review at least some of the references listed for a document. I try to find information in the state college's research where they have had on going research for a long period of time pertaining to an issue. Research that is performed in a controlled environment to the highest standards.

A. 4. What information management and retrieval tools do you use to access, query, and manipulate data when preparing analyses or reviewing analyses? What are the key functions and characteristics of these systems?

I use the printed copies, scanning the material and highlighting information that requires comments or additional research. Most of the documents available on the internet, computer is in .pdf format which is not user friendly. If documents were available in text or html, I would use the internet more.

A. 5. What are your preferred methods of conveying or receiving information about proposed actions and NEPA analyses and for receiving NEPA documents (e.g., paper, CD-ROM, web-site, public meeting, radio, television)? Explain the basis for your preferences.

Paper and/or CD-ROM. Material on the CD must be either in a text program or html.

A. 6. What information management technologies have been particularly effective in communicating with stakeholders about environmental issues and incorporating environmental values into agency planning and decision making (e.g., web sites to gather public input or inform the public about a proposed action or technological tools to manage public comments)? What objections or concerns have been raised concerning the use of tools (e.g., concerns about broad public access)?

The postal mail is still the most important and in a lot of cases the only communication tool available to the people who will be most impacted by a NEPA action and probably have the most valuable information for input.

A. 7. What factors should be considered in balancing public involvement and information security?

In reviewing information maintained and available in the agencies, there is a lot of private personal information on civilians required and maintained by agency personnel that has nothing to do with their business at hand. Example, the ranchers have grazing allotments and pay a fee to graze cattle to the requirements of the Government. In some of the grazing plans the ranchers are required provide the documentation on the sale of the cattle. Information on how much they receive for the cattle and who the cattle are sold to. Once the cattle leave the federal land, the agencies have no legal or legislative requirement for this type information and to require it is an infringement on the ranchers privacy.

B. 1. What are the characteristics of an effective joint-lead or cooperating agency relationship/process? Provide example(s) and describe the issues resolved and benefits gained, as well as unresolved issues and obstacles. Such examples may include, but are not limited to, differences in agencies' policies, funding limitations, and public perceptions.

There should be a requirement for the agencies to brief to property owners and local government in a NEPA action area on the availability of the joint-lead relationship. A large majority of the people are not aware of this rule and the agencies do not do anything to inform the people.

B. 2. What barriers or challenges preclude or hinder the ability to enter into effective collaborative agreements that establish joint-lead or cooperating agency status?

Failure to share information. Failure to put everything on the table by the agency

people. Failure of the agency people to accept information from the people who have lived in an area for a long period of time. People who have a lot of knowledge on the functioning of the resources.

B. 3. What specific areas should be emphasized during training to facilitate joint-lead and cooperating agency status?

That information gathered and decision made by people who have to live long term with the consequences are the people who will make the best long term decisions for the whole, for the environment, for the species, for the people.

C. 1. What types of issues best lend themselves to programmatic review, and how can they best be addressed in a programmatic analysis to avoid duplication in subsequent tiered analysis? Please provide examples with brief descriptions of the nature of the action or program, decisions made, factors used to evaluate the appropriate depth of the analyses, and the efficiencies realized by the analysis or in subsequent tiers.

C. 2. Please provide examples of how programmatic analyses have been used to develop, maintain and strengthen environmental management systems, and examples of how an existing environmental management system can facilitate and strengthen NEPA analyses. Examples of an environmental management system may include but are not limited to systems certified under ISO 14001 (further information on ISO 14001 can be found on the Web at <http://es.epa.gov/partners/iso/iso.html>).

NEPA is a American Law for American people. The total process should be American and not influenced or guided by any international organizations such as the ISO, International Organization for Standardization. What is the legal or legislative authority for EPA to use guidance from the ISO and/or any other international organization?

D. 1. What factors are considered when deciding to use an adaptive management approach?

What definition of adaptive management are people supposed to use? Adaptive management has been defined in various ways since its development and different people have somewhat differing views of the best definition.

D. 2. How can environmental impact analyses be structured to consider adaptive management?

The first step is to define what is meant by adaptive management.

D. 4. What factors should be considered (e.g., cost, timing, staffing needs, environmental risks) when determining what monitoring techniques and levels of monitoring intensity are appropriate during the implementation of an adaptive management regime? How does this differ from current monitoring activities?

Monitoring is one of the most important factors in resource management. Monitoring should be given top priority for funding and staffing needs. Funding should be provided to land owners, state and local governments for monitoring the resources. The current system of decisions being made on monitoring information that is 3-4 years old or older is extremely unsatisfactory.

E. 1. What information, data studies, etc., should be required as the basis for establishing a categorical exclusion?

The agencies should be allowed to establish categorical exclusions only with agreement of the individuals in the NEPA action area and local government. The exclusion also must be based on data that meets the requirements of the Data Quality Act. The categorical exclusion should be identified and justified in the NEPA document.

F. 1. Additional Areas for Consideration: In addition to the topics described above, the NEPA Task Force will consider comments on NEPA practices that would improve and modernize NEPA implementation

Suggest that a list of reference material for each issue, i.e. timber management, mining, grazing, recreation that meet all the requirements of the Data Quality Act be assembled and made available for use by the agencies in preparing EA/EISs. These same documents could also be used in the review process.

The government should prepare a pamphlet on the NEPA process and make it available to all the American people. This pamphlet should describe the purpose of NEPA, the information required in a NEPA document, list the laws involved and provide the information needed for individuals to be involved in the NEPA process.

Sincerely

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